



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,057	03/19/2004	Kia Silverbrook	ZG121US	7055

24011 7590 07/11/2008
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

CUTLER, ALBERT H

ART UNIT	PAPER NUMBER
----------	--------------

2622

MAIL DATE	DELIVERY MODE
-----------	---------------

07/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,057	Applicant(s) SILVERBROOK ET AL.	
	Examiner ALBERT H. CUTLER	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communication filed on April 15, 2008.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on May 6, 2008 has been considered by the Examiner.

Terminal Disclaimer

3. The terminal disclaimer filed on April 15, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent 6,750,944 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Double Patenting

4. The double patenting rejection previously made by the Examiner is hereby removed in view of the Terminal Disclaimer filed April 15, 2008.

Response to Arguments

5. Applicant's arguments filed April 15, 2008 have been fully considered but they are not persuasive.
6. The Examiner previously rejected claims 1-14 under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement.
7. Applicant argues that support for the limitation of the amended claim 1 which recites "a display for displaying the digital image after manipulation by the programming language interpreter", can be found in paragraph 0351 of Publication 2005/0122399.

Art Unit: 2622

8. The Examiner respectfully disagrees. Paragraph 0351 recites that the color display (5) operates as “a verification of the image to be printed”. However, the Examiner has found nothing in paragraph 0351, or elsewhere, that recites that “the image” comprises “the digital image after manipulation” as recited in claim 1. The Examiner is not convinced that Applicant was in possession of a camera with a display that displays “the digital image after manipulation” at the time of the invention. Support for the Examiner’s rationale can be found in paragraph 0680 and figure 1. Paragraph 0680 recites that the “Taken Image” is displayed, and that during image processing, the “TFT is turned off”. Once the “image has been printed the TFT is turned on again”. The Examiner asserts that one of ordinary skill in the art would ascertain from paragraph 0680 that the TFT displays the current image from the image sensor prior to image capture, the captured image after image capture, and nothing during the processing (i.e. image modification) and printing of the image. Further support for this conclusion is shown in figure 1. Figure 1 shows a subject for image capture (3), a manipulation card with manipulation insignia thereon (9), an image display (5), and a printed image (8). However, from figure 1 it is clear that the image displayed on the display (5) is not the manipulated image (see 8), but the captured image of the subject (3).

9. Therefore, the rejection is maintained by the Examiner.

Claim Objections

10. Claim 1 is objected to because of the following informalities: Lack of clarity and precision.

11. Claim 1 recites “an inbuilt printer device for **displaying** the digital image”. Upon further examination, it appears that claim 1 should read “an inbuilt printer device for **printing** the digital image”, or something of similar nature. Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 specifies a display, and claims, “a display for displaying the digital image after manipulation by the programming language interpreter”. Upon examination, the Examiner has been unable to find any instances in the original disclosure that teach, “a display for displaying the **digital image after manipulation**”. Paragraph 0680 of Publication 2005/0122399 reads, “When the “Take” button on an Artcam is half depressed, the TFT will display the current image from the image sensor (converted via a simple VLIW process). Once the Take button is fully depressed, the Taken

Image is displayed. When the user presses the Print button and image processing begins, the TFT is turned off. Once the image has been printed the TFT is turned on again.” It appears that the display is used to display an image taken by the camera and not a modified image as called for in claim 1.

Claims 2-14 are rejected as depending from a rejected claim 1.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC
07/03/2008

***/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622***